

## --SEWER EASEMENT--

STATE MS.-DESOTO CO.  
FILED

APR 1 4 02 PM '99

EVERETT H. EDLIN, ETUX

TO

BK 350 PG 19  
W.F. DAVIS JR. CLK.CITY OF SOUTHAVEN  
A MUNICIPAL CORPORATION

FOR AND IN CONSIDERATION OF ONE DOLLAR (\$1.00), AND OTHER GOOD AND VALUABLE CONSIDERATION, WE, EVERETT H. EDLIN AND DEBRA EDLIN, DO HEREBY CONVEY AND WARRANT UNTO THE CITY OF SOUTHAVEN, ITS SUCCESSORS AND ASSIGNS, A PERPETUAL EASEMENT WITH THE RIGHT TO CONSTRUCT, INSTALL, LAY AND THEREAFTER USE, OPERATE, INSPECT, REPAIR, MAINTAIN, REPLACE AND REMOVE UNDERGROUND SEWER MAINS AND CONNECTIONS AND NECESSARY APPURTENANCES THERETO, ACROSS THE FOLLOWING DESCRIBED PROPERTY SITUATED IN DESOTO COUNTY, MISSISSIPPI, TO WIT:

A PART OF LOT #1 OF THE ANDREW SAULSBERRY/TCHULAHOMA ROAD SUBDIVISION--1ST REVISION, LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 7 WEST, DESOTO COUNTY, MISSISSIPPI AS RECORDED IN PLAT BOOK 19, PAGE 38, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF SAID LOT #1; RUN THENCE ALONG THE WEST LINE FOR A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; FROM SAID POINT OF BEGINNING, EXTEND LEFT AND RIGHT FIVE FEET (5') AND RUN THENCE PARALLEL WITH THE SOUTH LINE OF SAID LOT #1 FOR 207.81 FEET TO A POINT; RUN THENCE WITH AN ANGLE RIGHT OF  $91^{\circ}-46'-39''$  FOR 400.00 FEET TO A POINT; RUN THENCE WITH AN ANGLE RIGHT OF  $172^{\circ}-38'-33''$  FOR 324.33 FEET TO A POINT; RUN THENCE WITH AN ANGLE RIGHT OF  $187^{\circ}-35'-43''$  FOR 275.99 FEET MORE OR LESS TO A POINT TERMINATING AT THE NORTH LINE OF SAID LOT #1, AND CONTAINING 0.28 ACRES, MORE OR LESS.

## ALSO:

A PART OF TAX PARCEL NO. 174-20-08.0, LOCATED IN THE NW 1/4 OF THE NE 1/4 OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 7 WEST, DESOTO COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHEAST CORNER OF SAID TAX PARCEL; RUN THENCE WEST ALONG THE SOUTH LINE OF SAID TAX PARCEL FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; FROM SAID POINT OF BEGINNING, EXTEND LEFT AND RIGHT FIVE FEET (5') AND RUN THENCE WITH AN ANGLE LEFT OF  $95^{\circ}-19'-20''$  FOR 180.13 FEET TO A POINT; RUN THENCE WITH AN ANGLE LEFT OF  $92^{\circ}-39'-52''$  FOR 19.14 FEET TO A POINT TERMINATING AT THE EAST LINE OF TAX PARCEL NO. 174-20-08.0, AND CONTAINING 0.05 ACRES, MORE OR LESS.

## AND:

A TEMPORARY CONSTRUCTION EASEMENT (25' WIDE) RUNNING CONCENTRICALLY AND CONCURRENTLY WITH THE ABOVE DESCRIBED PERPETUAL EASEMENT, FOR THE PURPOSE OF PROVIDING WORK AREAS DURING INSTALLATION OF THE SEWER SYSTEM. THIS TEMPORARY CONSTRUCTION EASEMENT WILL BECOME NULL AND VOID WHEN THE PROJECT IS COMPLETED.

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE FOR WHICH THE ABOVE MENTIONED RIGHTS ARE GRANTED.

AS FURTHER CONSIDERATION, THE CITY AGREES TO WAIVE THE STANDARD SEWER TAP FEE FOR THREE CONNECTIONS. AND THE CITY AGREES THAT ALL SEWER MANHOLES LOCATED ON THIS PROPERTY WILL BE FLUSH WITH GRADE.

THE GRANTOR FULLY UNDERSTANDS THAT HE IS ENTITLED TO BE DULY COMPENSATED FOR THE PROPERTY CONVEYED HEREIN, BUT GRANTOR DESIRES TO DONATE SAME TO THE CITY AND DOES HEREBY WAIVE THE RIGHT TO COMPENSATION.

THE CONSIDERATION RECITED HEREIN SHALL CONSTITUTE PAYMENT IN FULL FOR ALL DAMAGES SUSTAINED BY GRANTORS BY REASON FOR THE INSTALLATION OF THE STRUCTURES REFERRED TO HEREIN AND GRANTEE WILL MAINTAIN SUCH EASEMENT IN A STATE OF GOOD REPAIR AND EFFICIENCY SO THAT NO UNREASONABLE DAMAGE WILL RESULT FROM ITS USE OF GRANTOR'S PREMISES.

THIS AGREEMENT TOGETHER WITH OTHER PROVISIONS OF THIS GRANT SHALL CONSTITUTE A COVENANT RUNNING WITH THE LAND FOR THE BENEFIT OF THE GRANTEE, ITS SUCCESSORS AND ASSIGNS. THE GRANTORS DO COVENANT THAT THEY ARE THE OWNERS OF THE ABOVE MENTIONED LAND AND THAT SAID LAND IS FREE AND CLEAR OF ALL ENCUMBRANCES AND LIENS EXCEPT THE FOLLOWING:

WITNESS OUR SIGNATURES ON THIS THE 24 DAY OF NOV., 1997.

Everett H. Edlin  
Debra Edlin

STATE OF MISSISSIPPI  
COUNTY OF DE SOTO

THIS DAY PERSONALLY APPEARED BEFORE ME, THIS UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE, THE WITHIN NAMED EVERETT H. EDLIN AND DEBRA EDLIN WHO ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE ABOVE AND FORGOING INSTRUMENT ON THE DAY AND YEAR THEREIN MENTIONED AS FREE AND VOLUNTARY ACT AND DEED AND FOR THE PURPOSES THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE THIS 24 DAY OF NOVEMBER, 1997.

James Leigh Tonnell, Jr.  
NOTARY PUBLIC

MY COMMISSION EXPIRES MAY 13, 2001

MY COMMISSION EXPIRES:.....

GRANTOR'S ADDRESS:  
1801 STATELINE ROAD  
SOUTHAVEN  
MS 38671  
TEL. (601) 342-0306

GRANTEE'S ADDRESS:  
CITY OF SOUTHAVEN  
P.O. BOX 425  
SOUTHAVEN, MS. 38671  
TEL. (601) 393-2991

PREPARED BY:  
CITY ENGINEER'S OFFICE  
P.O. BOX 425  
SOUTHAVEN, MS. 38671  
TEL. (601) 393-2991

